

REMARKS

This is a response to the Office Action dated October 17, 2006. The Examiner has rejected claims 1, 2, 5-7, 9, 10, 19 and 20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,387,219 (“Rappe”). The rejections from the Office Action dated October 17, 2006 are discussed below. No new matter has been added. Reconsideration of the application is respectfully requested in light of the following remarks.

The Examiner rejected claims 1, 2, 5-7, 9, 10, 19 and 20 under 35 U.S.C. § 102(b) as being anticipated by Rappe. The rejection is respectively traversed.

Independent claim 1 is directed to a wire guide comprising an elongate member defining a loop. Claim 1 further requires a “closure member [that] is fixedly connected to the elongate member at a plurality of locations.” In other words, the closure member secures the elongate member in a loop-shaped configuration. As set forth in the specification, this loop 22 enables the wire guide 10 to deform in response to an impediment 42 contained in a body vessel 40 and continue navigating there along the interior of the body vessel 40. Col. 3, ¶38.

Rappe is directed to a snare—not a wire guide. More importantly, Rappe does not teach a closure member that is fixedly connected to an elongate member at a plurality of locations. Rather, Rappe discloses a loop-shaped structure in which a closure member attaches to a loop-shaped wire 13 at only a *single location*. Specifically, only the distal tip of the wire 13 is affixed to a catheter 12 by a closure member (i.e., coil 23). Rappe, Figure 2 and Col. 2, ll. 61-65. The proximal end of the wire 13 is not affixed to the coil 23. Rather, it extends axially through the lumen of the catheter 12 and is capable of freely moving axially relative to the coil 23 such that the length of the loop-shaped wire along its perimeter can change, as indicated by the double-headed arrow in Figs. 1 and 2. The extended loop is shown in solid in Fig. 2 and the retracted loop is shown in phantom lines in Fig. 2. Accordingly, Rappe fails to teach each and every limitation of amended claim 1.

Moreover, and as pointed out above, the device disclosed in Rappe is a snare which functions by changing the length of loop 24 as measured along the perimeter of the loop 24 to capture and/or cut tissue. Rappe, Figs. 3A-3D. Ensnaring a foreign object is achieved by increasing the length of the loop 24 along its perimeter. Rappe, Fig. 3B and Col. 3, ll. 32-33. Subsequent removal of the ensnared foreign object from the body is achieved by decreasing the length of the loop 24 along its perimeter, thereby retracting the loop 24. Rappe, Figs. 3C-3D and Col. 3, ll. 33-39. Accordingly, the loop 24 of the snare disclosed in Rappe is shown to change its length along the perimeter of the loop 24 to retrieve objects and thereafter remove them from the body lumen.

Accordingly, for the reasons described above, Applicants respectfully submit that independent claim 1 is allowable. Likewise, claims 2, 5-7, 9, 10, 19 and 20 which are dependent from allowable claim 1 are also allowable. Applicants therefore request that the Examiner withdraw this rejection of these claims.

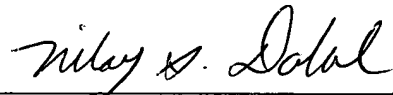
CONCLUSION

The rejections in the Office Action dated October 17, 2006 have been addressed and no new matter has been added. Applicants submit that all of the pending claims are in condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to call the undersigned if it would expedite the prosecution of this application.

Respectfully submitted,

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